

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17 cv 104**

**RONALD WAYNE SPANN,**

**Plaintiff,**

**v.**

**NORTH CAROLINA DEPARTMENT  
OF PUBLIC SAFETY, et al.,**

**Defendants.**

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**ORDER**

Pending before the Court is the Corrected Motion to Compel Plaintiff's Initial Disclosures [# 44]. The Court finds that Defendants Frank L. Perry, Paula Smith, Michael Slagle, Dexter Gibbs, Christopher Crawford, George Solomon, Norma Melton, and Jamie Grindstaff (Defendants) have established good cause for relief under Federal Rule of Civil Procedure 37.

On September 19, 2017, the Court entered a Pretrial Order. In that order, initial disclosures were given the due date of October 4, 2017. On October 4, 2017, Defendants and Co-defendant Uhren all served initial disclosures on Plaintiff. Plaintiff failed to provide initial disclosures. On October 11, 2017, Defendants emailed Plaintiff regarding the initial disclosures. Plaintiff failed to provide initial disclosures. On October 16, 2017, Defendants and Co-defendant Uhren contacted

Plaintiff asking for initial disclosures by October 20, 2017. On October 20, 2017, Plaintiff called Defendants and Co-defendant Uhren and stated that initial disclosures would be provided on October 23, 2017. Co-defendant Uhren sent a confirmation email. On October 23, 2017, Plaintiff failed to provide initial disclosures. On October 24, 2017, Defendants again emailed Plaintiff to try and resolve the matter. Plaintiff did not reply.

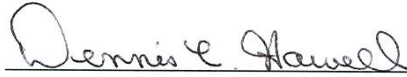
On November 9, 2017, Plaintiff's response was due for Defendants' Corrected Motion to Compel [# 44]. Plaintiff failed to respond.

Therefore, the Court **GRANTS** the motion [# 44] and Plaintiff must serve initial disclosures pursuant to Fed. R. Civ. P. 26(a) within seven (7) days from the entry of this Order.

Further, Defendants shall have fourteen (14) days from the entry of this Order to serve Plaintiff with a reasonable expenses statement, including attorneys' fees, which Defendants incurred in making this motion. If Defendants timely serve a statement, Plaintiff shall have seven (7) days from the date of service of Defendants' statement to file either (1) a Notice indicating Plaintiff's agreement to pay the claimed expenses; or (2) a Memorandum of no more than five pages explaining why Plaintiff contests the reasonableness of the claimed expenses along with a certification that he attempted a good faith effort to resolve any disagreement with Defendants over the claimed expenses. If Plaintiff files a Memorandum contesting

the claimed expenses, Defendants shall have seven (7) days to file a response of no more than five pages. Upon completion of the foregoing briefing, the Clerk may refer this matter for further action.

Signed: November 16, 2017

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

